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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.                 | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------------------|------------------|
| 10/727,546   | 12/05/2003  | Hisayoshi Tsubaki    | 2091-0302P                          | 7320             |
| 2292 7590 03/09/2007<br>BIRCH STEWART KOLASCH & BIRCH<br>PO BOX 747<br>FALLS CHURCH, VA 22040-0747 |             |                      | EXAMINER<br>PETERSON, CHRISTOPHER K |                  |
|  |             |                      | ART UNIT                            | PAPER NUMBER     |
|  |             |                      | 2609                                |                  |

| SHORTENED STATUTORY PERIOD OF RESPONSE | NOTIFICATION DATE | DELIVERY MODE |
|--|-------------------|---------------|
| 3 MONTHS                               | 03/09/2007        | ELECTRONIC    |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/09/2007.

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|                              |                         |                     |  |
|------------------------------|-------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b>  | <b>Applicant(s)</b> |  |
|                              | 10/727,546              | TSUBAKI, HISAYOSHI  |  |
|                              | <b>Examiner</b>         | <b>Art Unit</b>     |  |
|                              | Christopher K. Peterson | 2609                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/05/2003</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 12/05/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 3, 5 – 10, 12 – 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Moores (US Patent Pub. #2004/0201738).

As to claim 1, Moores (see fig. 1) discloses an imaging device comprising:

- an imaging means for photographing a subject (15) and obtaining image data representing an image of the subject (Para 0020);

- a imaging device wireless communication means (34) imaging to perform directional wireless data communication (RFID reader 23) (Para 0023 – 0024 and 0034);
- a control means (20) for controlling drive of the imaging means (15) so that the imaging means (15) is driven to obtain the image data when a subject wireless communication means (34) in a terminal device carried by the subject (123), comprising a display means for displaying the image data and the subject wireless communication means (34) for wirelessly communicating data, and the imaging wireless communication means have become able to communicate with each other (Para 0047).

As to claim 12, this claim differs from claim 1 in that the limitation “terminal device” is additionally recited. Moores teaches a terminal device (PDA 123) carried by the subject, including a subject wireless communication means (34) for wirelessly communicating data with the imaging device wireless communication means for in the imaging device and a display means for displaying information, including the image data (Para 0047).

As to claim 2, Moores teaches the imaging device as defined in claim 1, wherein the control means (20) is a means for assigning terminal information that specifies the terminal device carried by the subject to the image data (Para 0035).

As to claim 3, Moores teaches the imaging device (15) as defined in claim 1, wherein the control means (20) is a means for further controlling drive of the imaging device wireless communication means so that the imaging device (15) wireless

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communication means transmits the image data obtained by the imaging means to the terminal device(123) (Para 0021 - 0022).

As to claim 5, Moores teaches the imaging device (15) as defined in claim 1, wherein the imaging device wireless communication means (34) and the imaging means are arranged so that a data communication direction of the imaging device wireless communication means and an imaging direction of the imaging means are substantially identical (Para 0024).

As to claim 6, Moores teaches the imaging device as defined in claim 5, wherein the imaging device wireless communication means (34) and the imaging means are arranged so that the data communication range of the imaging device wireless communication means is less than an imaging angle of view of the imaging means (Para 0024).

As to claim 7, Moores teaches the imaging device as defined in claim 1, wherein the control means (20) is a means for controlling the drive of the imaging means so that photography is prohibited after a predetermined number of images have been photographed continuously (Para 0037).

As to claim 8, Moores teaches the imaging device as defined in claim 1, wherein the control means (20) is a means for controlling the drive of the imaging means so that imaging is prohibited for a predetermined time after photography (Para 0036).

As to claim 9, Moores teaches the imaging device as defined in claim 1, wherein the control means (20) is a means for controlling the drive of the imaging means so that the imaging means (15) performs photography only when the terminal device (123)

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gives an instruction to perform photography (Para 0024). Moores teaches a button or a switch be provided. A PDA has multiple switches and buttons that could perform this function.

As to claim 10, this claim refers to the limitation "terminal device" of claim 12. Thus claim 10 is analyzed as previously discussed with respect to claim 12.

As to claim 13, Moores teaches the imaging system as defined in claim 12, comprising: a plurality of the imaging devices (15) of which imaging ranges overlap, wherein the control means (20) in each of the imaging devices (15) is a means for controlling the drive of the imaging device wireless communication means and the imaging means so that when all the plurality of the imaging devices have become able to communicate data with the terminal device, the imaging means in the plurality of the imaging devices photograph respectively (Para 0045).

As to claim 14, Moores teaches the imaging system as defined in claim 12, further comprising: an image server (21) for storing the image data (26) obtained by the imaging device (Para 0025).

As to claim 15, Moores teaches the imaging system as defined in claim 12, further comprising: a print out means (Kiosk 125) for printing out the image data obtained by the imaging device (Para 0022).

As to claim 16, Moores teaches the imaging system as defined in claim 15, wherein the print out means is a means for printing out only the image data for which an instruction to print has been issued (Para 0022).

As to claim 17, Moores teaches the imaging system as defined in claim 16, wherein the instruction to print can be issued at the terminal device (123) (Para 0022).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moores in view of Muroya (US Patent Pub. # 2004/0148404).

As to claim 4, Moores teaches the limitation "image data". Moores does not teach small capacity image data. Muroya teaches the imaging device as defined in claim 3, wherein the control means is a means for generating small capacity image data of which data volume is less than the image data and transmitting the small capacity image data (thumbnails) to the terminal device (10) instead of the image data (Para 0095 – 0096). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided small capacity image data taught by Muroya to the image data of Moores, because the use of small capacity image data would reduce the power consumption and requires less bandwidth (Para 0037).

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moores in view of Zeps (US Patent # 6937154).

As to claim 11, Moores teaches the limitation "terminal device". Moores does not teach the terminal device informing the subject that an image will be photographed and/or photography has been finished. Zeps (see fig. 1) teaches the terminal device (mobile device 31) as defined in claim 10, further comprising: an informing means for informing the subject that the subject wireless communication means has become able to communicate data with the imaging device wireless communication means, an image will be photographed and/or photography has been finished (Col. 4, lines 24 – 30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the terminal device informing the subject that an image will be photographed and/or photography has been finished by Zeps to the terminal device of Moores, because the use of a terminal device informing the subject that an image will be photographed and/or photography has been finished would make a more automated, efficient and reliable system for the subject (Col. 1, lines 31 – 39).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kaku (US Patent Pub. # 2002/0049728) teaches an image distributing system.

Sah (US Patent # 7024488) teaches a method and apparatus for hosting a network camera.



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***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher K. Peterson whose telephone number is 571-270-1704. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh D. Nguyen can be reached on 571-272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CKP  
01 March 2007

  
CHANH D. NGUYEN  
SUPERVISORY PATENT EXAMINER